Priority research points: Can a tiger reserve only be notified where the final notification of a WLS has been done? Examples of tiger reserves notified in sanctuaries, pending final notification under S. 26A.

[Concept of Notification as TR introduced by Amendment of 2006, s. 2 (w.e.f. 4-9-2006). ..Most cases are prior to that].

[Apart from interpretation argument, history of notification of Tiger Reserves can be can be considered – Frequently , tiger reserves were notified even before the Final Notifications were issued –]

- **Anamalai Tiger Reserve, Tamil Nadu**
  - Tiger Reserve Notification – 28.12.2007
  - Final / S. 26A Notification –Not issued for protected areas

The Anamalai Tiger Reserve consists of parts of 2 protected areas – the Indira Gandhi WS and the Indira Gandhi National Park.

The Tiger Reserve Notification dated 28.12.2007 makes a mention of this, and provides the Notification Number for each of the protected areas.

The Notification for the Indira Gandhi NP dt. 23.01.1989, is a notification issued under S. 35(1) of the WP Act, and the Notification for the Indira Gandhi WS dt. 10.10.1976, is a notification issued under S. 18(1) of the WP Act,

As such, parts of 2 protected areas were included in the Anamalai Tiger Reserve, without any final notification issued for the WS/NP.

[Protected areas of other tiger reserves in the same document dt. 28.12.2007, for example, Kalakad-Mundantharai Tiger Reserve, have been finally notified, under S. 26A/ 35(4), as the case may be. So, the question of outdated notification numbers does not arise.]
This proviso of sorts applies equally to the other Tiger Reserves identified in this file.]

- **Dudhwa Tiger Reserve, Uttar Pradesh**
  - Tiger Reserve Notification – 09.06.2010
  - Final / S. 26A Notification –Not issued for parts of the Reserve

The Dudhwa Tiger Reserve consists of parts of 3 protected areas – Dudhwa National Park, Kishanpur Wildlife Sanctuary, and Katarniyaghat Wildlife Sanctuary.

The Tiger Reserve Notification dated 09.06.2010 makes a mention of this, and provides the 'Government Notification Number' for each of the 3 protected areas .

The Notification for the Katarniyaghat WS, Notification No. 388/14-3-1, dt. 31.05.1976, is a notification issued under S. 18 of the WP Act.

As such, a part of the Katarniyaghat WS in 2010 was included in the Dudhwa Tiger Reserve, without any final notification issued for the WS.

- **Corbett Tiger Reserve, Uttarakhand**

- Tiger Reserve Notification – 26.02.2010
- Final / S. 26A Notification –Not issued for parts of the Reserve

The Corbett Tiger Reserve consists of parts of 2 protected areas – Corbett National Park and Sonanadi Wildlife Sanctuary.

The Tiger Reserve Notification dated 26.02.2010 makes a mention of this, and provides the legal status of the protected areas.

The Notification for the Sonanadi Wildlife Sanctuary, Notification No. 5434/14-3-139/82, dt. 08.01.1987, is explicitly identified as a notification issued under S. 18 of the WP Act.

As such, a part of the Sonanadi WS in 2010 was included in the Corbett Tiger Reserve, without any final notification issued for the WS.

- **<u>Dampa Tiger Reserve, Mizoram</u>**:
  - Tiger Reserve Notification – 07.12.1994
  - Final / S. 26A Notification – 11.09.2006

[***Source*** **-** NTCA website [https://ntca.gov.in/about-us/#tiger-reserves-2] says that this TR was declared in the year 1994-1995, which corroborates the references below to a 07.12.1994 Notification notifying the Tiger Reserve]

The Government stated that about five hundred ten families within the limits of the Park were relocated outside the limits in Dampa Tiger Reserve. Notification was issued in 1994 for constituting Tiger Reserve under the Centrally Sponsored Scheme. It was submitted that the Deputy Commissioner of Aizwal district inquired into the existence, nature and the extent of rights of persons in or over the land comprised within the limits of the Sanctuary and submitted a report on 30.11.1988. It recommended exclusion of some portions of land inhabited by people from the Sanctuary. Final notification was issued on 11.09.2006.

[***Source*** - Affidavit dated 07.02.2007 filed by the State of Mizoram, in compliance to the orders dated 23.11.2005, 29.08.2006 and 17.10.2006 of the SC in W.P. [Civil] 337 of 1995 – This information found in a report prepared by the petitioner in the WP, 'Conserving Protected Areas and Wildlife – A Judicial Journey', at page 144]

- Dampa was declared a Wildlife Sanctuary in 1974 and re-notified in 1985 with a view to conserve the fast-deteriorating natural wealth. Dampa was declared as a Tiger Reserve vide Government of Mizoram Gazette notification No. B-11011/14/90-FST, on 7th December 1994, after its approval from the Government of India. [***Source*** – 'Biodiversity Assessment Study for Proposed 132 Kv Transmission Line from West Phaileng to Marpara

in Buffer Zone of Dampa Tiger Reserve', prepared by the Assam State Biodiversity Board, page 33]

- **Nagarjunasagar-Srisailam Tiger Reserve, Andhra Pradesh**

- S. 18 Notification – 05.07.1978
- Tiger Reserve Notification – 25.02.1983
- Final / S. 26A Notification – 27.06.1998

[***Source*** **-** NTCA website [https://ntca.gov.in/about-us/#tiger-reserves-2] says that this TR was declared in the year 1982-1983, which corroborates the references below to a 25.02.1983 Notification notifying the Tiger Reserve]

An area of 3,568 sq km was notified as Nagarjunasagar-Srisailam Wildlife
Sanctuary under Section 18 of the Wildlife (Protection) Act, 1972 (WLPA) on 5th July, 1978. The Sanctuary was included as a Project Tiger area vide Government Order dated 25th February, 1983. The final notification of the "Rajiv Gandhi Wildlife Sanctuary (Nagarjunasagar-Srisailam Wildlife Sanctuary)" under 26-A of the WLPA was issued on 27th June, 1998 and published in the official gazette dated July 22, 1998.

[***Source*** – 'NAGARJUNASAGAR - SRISAILAM TIGER RESERVE
ANDHRA PRADESH - A Rapid Appraisal Report' carried out by Praveen Bhargav, Shekar Dattatri, Ajay Desai for the NTCA, at para 4.1.4, page 10.

- **Valmiki/ Valmikinagar Tiger Reserve, Bihar**

  - Tiger Reserve Notification – 11.03.1994
  - Final / S. 26A Notification – 22.01.1996

- Comprising both Valmiki National Park and Valmiki Wildlife Sanctuary, the Valmikinagar Tiger Reserve [VTR] forest area covers more than 900 sq km — a whopping 17.4 per cent of the total geographical area of West Champaran district. The extensive forest area of Valmikinagar was previously owned by the Bettiah Raj and Ramanagar Raj until the early 1950s. The area was subjected to large scale afforestation with teak, semal, shisham and bamboo. **Subsequently, VTR was constituted as the 18th reserve under Project Tiger of Government of India, on March 11, 1994**. [emphasis supplied]

  [***Source –*** Bihar Forest Dept. Advertorial / Information Release - http://forest.bih.nic.in/Docs/Advt/2019/vtr2.pdf]

- Valmiki Tiger Reserve was constituted as 18th reserve under Project Tiger of Government of India, vide notification no. Vanyaprani 11/94-303-E/Va.Pa. dated **11th March 1994**.

  [***Source*** - Official Website of the Valmiki Tiger Reserve - https://www.valmikitigerreserve.com/conservation-history.php]

- Final notification for Valmiki National Park [parts of which already were included in the notified Tiger Reserve] was issued on **22.01.1996**.

  [***Source -*** Affidavit dated 06.01.1998 filed by the State of Bihar in W.P. [Civil] 337 of 1995 – This

information found in a report prepared by the petitioner in the WP, 'Conserving Protected Areas and Wildlife – A Judicial Journey', at page 38]

- **<u>Indravati Tiger Reserve, Chattisgarh</u>**

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- Tiger Reserve Notification – 1982/1983
- Final / S. 26A Notification – As of 09.11.2006, no final notif. issued.

[***Source of TR Notif. date -*** NTCA website [https://ntca.gov.in/about-us/#tiger-reserves-2] says that this TR was declared in the year 1982-1983, which corroborates the references below to a --- Notification notifying the Tiger Reserve]

[***Source of TR Notif. date –*** A March 1995 Report by the Zoological Survey of India states that the Indravati Tiger Reserve was set up in the year 1982-1983, at page 1.

[***Source of TR Notif. date –*** A July 1995 Report by the Zoological Survey of India makes a reference to the Indravati Tiger Reserve, at page 1 - Additional proof of its declaration as a TR in 1982/83]

[***Source of date of Final Notification-*** Affidavit dated 09.11.2006 filed by the State of Chhattisgarh in W.P. [Civil] 337 of 1995 – This information found in a report prepared by the petitioner in the WP, 'Conserving Protected Areas and Wildlife – A Judicial Journey', at page 44]

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-Check wiki for tiger reserves, older ones notified, and compare with Statewise Final Notification status – in WWF Report-

Interpretation per provisions of the WP Act

- Section 38V (1) says that "The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve."

- The explanation to this section says that the expression 'tiger reserve' includes "core or critical tiger habitat areas of **National Parks and sanctuaries…** and buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area. *[emphasis supplied]*

- The terms 'sanctuary' is defined by S. 2(26) as follows: 'Sanctuary' means "means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66." *[emphasis supplied]*

- Chapter IV has two sections which deal with notification of a sanctuary – Section 18 and Section 26A. In cases of notifications under both sections, the areas notified are considered as 'sanctuaries' for the purpose of S. 2 (26). The definition of sanctuary is, therefore, not limited to areas notified under S. 26A, but also includes areas notified under S.18.

- Given that ‘sanctuary’ also includes areas notified under S. 18 [regarding which final notification hasn’t been issued], a reading of S. 2(26) with S.38V (1) and the explanation thereto necessarily leads to the conclusion that ‘a tiger reserve can be notified even in areas in relation to a which a notification is issued under S. 18.’

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Subsequent points:

1. Is protection given to all species in protected Area equal? Isn’t?

2. Analogy of Wildlife Parks etc not relevant, as the purpose of Tiger Reserve is specifically to protect Tigers